

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
 Plaintiff(s),)
)
 v.)
)
 MICHAEL HIGGINBOTHAM,)
)
 Defendant(s).)

No. CR 10-70285 BZ

**ORDER DENYING DEFENDANT'S EX
PARTE APPLICATION TO
SUBPOENA WITNESS**

Defendant's ex parte application to issue a witness subpoena is **DENIED**. While defendant has a right to present witnesses at a detention hearing, he does not have a right to subpoena witnesses to a detention hearing. See U.S. v. Delker, 757 F.2d 1390, 1397 (3d Cir. 1985); U.S. v. Bibbs, 488 F. Supp. 2d 925, 925-26 (N.D. Cal. 2007). The Court may reconsider this decision after it hears proffers and evidence offered at the detention hearing.

Dated: September 24, 2010



Bernard Zimmerman
United States Magistrate Judge